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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/709,391	OSWALD ET AL.
	Examiner	Art Unit
	SUMAN DEBNATH	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 June 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-53 and 56-108</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-53 and 56-108</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All   b)☐ Some * c)☐ None of:
       1.☐ Certified copies of the priority documents have been received.
       2.☐ Certified copies of the priority documents have been received in Application No. _____.
       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>05/09/2008</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-53 and 56-108 are pending in this application.

2.   Claims 1, 29, 56 and 86 are currently amended.

3.   Claims 54-55 and 109 are cancelled.

4.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office Action.

Claim Rejections - 35 USC § 102

5.   Claims 29-30, 34-48, 86-87 and 89-103 are rejected under 35 U.S.C. 102(e) as

being anticipated by Buxton (Pub. No.: US 2003/0204856 A1).

6.   As to claim 29, Buxton discloses a distributed media distribution system

comprising:

        a plurality of clients having peer-to-peer connectivity to one another (FIG. 1,

[0010], lines 6-10, [0012], lines 13-16);

        at least one server for processing a request from a first client for a particular

media item ([0021], [0022], lines 1-11, [0043]), for determining a second client who has

an encrypted copy of the desired media item at the server ([0022], lines 7-11, [0043],

[0014], [0033]), for arranging transfer of the encrypted copy of the desired media item

from the second client to the first client ([0033], lines 5-13);

        a media pass server for granting a media pass to the first client allowing access

to the desired media item ("When a user-subscriber (i.e. client) has been determined as

having authorization (i.e. media pass) for viewing a requested movie (i.e. desired media item) as determined by the transaction processing server (i.e. media pass server)" –e.g. see, [0033], lines 5-13), and for providing a decryption key to the first client based on the media pass submitted by the first client (Buxton teaches this concept because the user can manually or via automatic process can utilize the key code and enable the requesting user's local processing unit to decrypt encrypted data, e.g. see, [0033], lines 13-21).

a client rendering device for decrypting the desired media item for use by an authorized user at the first client ([0033]).

7.   As to claim 30, Buxton discloses wherein said media includes various file types ([0002]).

8.   As to claim 34, Buxton discloses further comprising a catalog that may be displayed on a television device connected to a set-top box with broadband connectivity ([0012], lines 13-16, [0019]).

9.   As to claim 35, Buxton discloses wherein the catalog is downloaded to the set-top box for display on the television device connected to the set-top box ([0019], [0012], lines 13-16).

As to claim 36, Buxton discloses wherein said peer-to-peer connectivity comprises a peer-to-peer network operating on the Internet ([0016], lines 8-12).

10.   As to claim 37, Buxton discloses wherein each client connects to the peer-to-peer network via a broadband connection ([0016]).

11.   As to claim 38, Buxton discloses wherein the client rendering device is capable of decrypting encrypted media items and displaying them on a television device ([0033], lines 16-21).

12.   As to claim 39, Buxton discloses wherein the client rendering device includes a set-top box having a hard disk for storing the requested media item that is transferred to the first client ([0037], [0012], lines 13-16, [0013]).

13.   As to claim 40, Buxton discloses wherein the requested media item is stored on the hard disk only in encrypted form ([0019], [0033], [0031]).

14.   As to claim 41, Buxton discloses wherein the set top box stores pre-loaded media items so as to facilitate distribution of media items ([0031], see also [0038]).

15.   As to claim 42, Buxton discloses wherein the first client includes a network that shares broadband connectivity with the client rendering device ([0043]).

16.   As to claim 43, Buxton discloses further comprising: a media server capable of

transferring an encrypted copy of the desired media item to clients, if a copy is not

already available from other clients ([0024], lines 4-8).

17.   As to claim 44, Buxton discloses wherein the first client is allowed to use the

requested media item for a limited period of time ([0032], lines 1-3).

18.   As to claim 45, Buxton discloses wherein in response to the server receiving a

request from a third client for the particular media item, the server arranges for transfer

of the encrypted copy of the desired media item from the first client to the third client

([0043], [0033], FIG. 1).

19.   As to claim 46, Buxton discloses wherein the server arranges for the transfer by

scheduling the transfer of the encrypted copy to occur at a particular time (Buxton

teaches this concept because the distributed database movie server selectively pushed

certain movies in a time period whereas lesser viewed movies genres may remain

stored on the back-up media server, e.g. see, [0031]).

20.   As to claim 47, Buxton discloses wherein the server includes a customer

management subsystem for tracking and managing customers ([0032]).

21.   As to claim 48, Buxton discloses wherein the server is in communication with a repository of digital media, so that the server may direct transfer of the requested media item from the repository as needed ([0024]).

22.   As to claim 86, Buxton discloses a distributed media distribution system comprising: a plurality of clients having peer-to-peer connectivity to one another (FIG. 1, [0010], lines 6-10, [0012], lines 13-16); at least one server for processing a request from a first client for a particular media item ([0021], [0022], lines 1-11, [0043]), for determining a second client who has a protected copy of the desired media item at the server ([0022], lines 7-11, [0043], [0014], [0033], lines 16-21), and for arranging transfer of the protected copy of the desired media item from the second client to the first client ([0033], lines 5-13);

        a media pass server for granting a media pass to the first client allowing access to the desired media item ("When a user-subscriber (i.e. client) has been determined as having authorization (i.e. media pass) for viewing a requested movie (i.e. desired media item) as determined by the transaction processing server (i.e. media pass server)" –e.g. see, [0033], lines 5-13), and for providing a decryption key to the first client based on the media pass submitted by the first client (Buxton teaches this concept because the user can manually or via automatic process can utilize the key code and enable the requesting user's local processing unit to decrypt encrypted data, e.g. see, [0033], lines 13-21).

a client rendering device for storing a protected copy of the desired media item at

the first client and rendering the desired media item to an authorized user at the first

client ([0033], lines 16-21, see also [0031]).

23.   As to claim 87, Buxton discloses wherein said media includes various file types

([0002]).

24.   As to claim 89, Buxton discloses further comprising a Web server for displaying a

catalog of media items available, and for receiving user input from the first client for

selecting one of the media items available from the catalog ([0021], lines 1-7, [0022]).

25.   As to claim 90, Buxton discloses further comprising a catalog that may be

displayed on a television device connected to a set-top box with broadband connectivity

([0012], lines 13-16, [0019]).

26.   As to claim 91, Buxton discloses wherein the catalog is downloaded to the set-

top box for display on the television device connected to the set-top box ([0012], lines

13-16, [0019]).

27.   As to claim 92, Buxton discloses wherein said peer-to-peer connectivity

comprises a peer-to-peer network operating on the Internet ([0016], lines 8-12).

28.   As to claim 93, Buxton discloses wherein each client connects to the peer-to-

peer network via a broadband connection ([0016]).

29.   As to claim 94, Buxton discloses wherein the client rendering device is capable of

displaying media items on a television device ([0019], [0012], lines 13-16).

30.   As to claim 95, Buxton discloses wherein the client rendering device includes a

set-top box having a hard disk for storing the protected copy of the requested media

item that is transferred to the first client ([0037], [0012], lines 13-16, [0013])

31.   As to claim 96, Buxton discloses wherein the protected copy of the requested

media item is stored on the hard disk in encrypted form ([0019], [0033], [0031], [0038]).

32.   As to claim 97, Buxton discloses wherein the first client includes a network that

shares broadband connectivity with the client rendering device ([0043], FIG. 1).

33.   As to claim 98, Buxton discloses further comprising: a media server capable of

transferring a protected copy of the desired media item to a client, if a protected copy is

not available from other clients ([0024], lines 4-8).

34.   As to claim 99, Buxton discloses wherein the first client is allowed to use the

requested media item for a limited period of time ([0032], lines 1-3).

35.   As to claim 100, Buxton discloses wherein in response to the server receiving a

request from a third client for the particular media item, the server arranges for transfer

of a protected copy of the desired media item from the first client to the third client

([0043], [0033], FIG. 1).

36.   As to claim 101, Buxton discloses wherein the server arranges for the transfer by

scheduling the transfer of the protected copy to occur at a particular time ([0031], lines

15-19).

37.   As to claim 102, Buxton discloses wherein the server includes a customer

management subsystem for tracking and managing customers ([0032]).

38.   As to claim 103, Buxton discloses wherein the server is in communication with a

repository of digital media, so that the server may direct transfer of the requested media

item from the repository as needed ([0024]).

39.   As to claim 107, Buxton doesn't explicitly discloses wherein the client rendering

device includes an interface for indicating that a given desired media item has

completed transfer and is available for use. However, Harris discloses wherein the client

rendering device includes an interface for indicating that a given desired media item has

completed transfer and is available for use ([0021]). Therefore, it would have been

obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Harris in order to provide a feature so that the user can monitor the progress of a video image or any media file. Furthermore, one would be motivated to provide such a feature so the users will not try to view a content until it's delivered.

40.   As to claim 108, Buxton doesn't explicitly disclose wherein the interface indicates transfer progress for any items that are currently being transferred. However, Harris discloses wherein the interface indicates transfer progress for any items that are currently being transferred ([0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Harris in order to provide a feature so that the user can monitor the progress of a video image or any media file. Furthermore, one would be motivated to provide such a feature so the users will not try to view a content until it's delivered.

Claim Rejections - 35 USC § 103

41.   Claims 1-5, 7-22, 25-28, 52-53 and 107-108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton and further in view of Harris et al. (Pub. No.: US 2004/0267812 A1) (hereinafter "Harris").

42.   As to claim 1, Buxton discloses a method for distributing media comprising:

receiving at a server a request from a first client for a particular media item ([0021], [0022], lines 1-11, [0043]), said first client having broadband connectivity to other clients ([0012], lines 13-16, [0022], [0043]);

at the server, determining a second client who has an encrypted copy of the desired media item ([0022], lines 7-11, [0043], [0014], [0033], lines 16-21);

in response to the request, transferring the encrypted copy of the desired media item from the second client to the first client ([0033], lines 5-13, see also [0022], lines 7-11, [0043]); and

in response to receiving payment authorization from the first client, granting from a media pass server a media pass to the first client ("When a user-subscriber (i.e. client) has been determined as having authorization (i.e. media pass) for viewing a requested movie (i.e. desired media item) as determined by the transaction processing server (i.e. media pass server)" –e.g. see, [0033], lines 5-13);

providing a decryption key to the first client based on the media pass submitted by the first client for decrypting the desired media item ((Buxton teaches this concept because the user can manually or via automatic process can utilize the key code and enable the requesting user's local processing unit to decrypt encrypted data, e.g. see, [0033], lines 13-21), [0032]).

Although Buxton discloses the encrypted copy has been transferred to the first client ([0033]) and media data being displayed at user's system which would teach on indicating desired media item is now available ([0027], lines 32-36), Buxton doesn't

explicitly disclose indicating at the first client that the desired media item is now

available.

However, Harris discloses indicating at the first client that the desired media item

is now available ([0021]). Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention was made to modify the teaching of Buxton as

taught by Harris in order to provide a feature so that the user can monitor the progress

of a video image or any media file. Furthermore, one would be motivated to provide

such a feature so the users will not try to view contents until it's delivered.

43.   As to claim 2, Buxton discloses wherein said media includes various file types

([0002]).

44.   As to claim 3, although Buxton discloses a video-on demand peer- to-peer

sharing of movies ([0010]), Buxton doesn't explicitly disclose wherein said media

includes selected ones of audio and video files. However, Harris discloses wherein said

media includes selected ones of audio and video files ([0044]). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention was made to

modify the teaching of Buxton as taught by Harris in order to reduce transfer costs and

offer security enforcing copyrights on a public network.

45.   As to claim 4, Buxton discloses further comprising: pre-loading media items at

clients so as to facilitate distribution of media items ([0031], see also [0019], [0033]).

46.   As to claim 5, Buxton discloses wherein the receiving step includes: displaying a

catalog of media items available; and receiving user input from the first client for

selecting one of the media items available from the catalog ([0021], lines 1-7, [0022]).

47.   As to claim 7, Buxton discloses wherein the catalog comprises an online catalog

that may be displayed on a television device connected to a set-top box with broadband

connectivity ([0012], lines 13-16, [0019]).

48.   As to claim 8, Buxton discloses wherein the catalog is downloaded to a set-top

box with broadband connectivity for display at a television device connected to the set-

top box ([0019], [0012], lines 13-16).

49.   As to claim 9, Buxton discloses wherein said broadband connectivity includes

peer-to-peer connectivity between clients ([0016], lines 8-12).

50.   As to claim 10, Buxton discloses wherein the peer-to-peer connectivity includes a

peer-to-peer network operating on the Internet ([0016]).

51.   As to claim 11, Buxton discloses wherein the first client includes a local device

capable of decrypting encrypted media items and displaying them on a television device

([0033], lines 16-21).

52.   As to claim 12, Buxton discloses wherein the local device includes a set-top box

having a hard disk for storing the requested media item that is transferred to the first

client ([0037], [0012], lines 13-16, [0013], see also [0038]).

53.   As to claim 13, Buxton discloses wherein the requested media item is stored on

the hard disk only in encrypted form ([0019], [0033], [0031]).

54.   As to claim 14, Buxton discloses wherein said transferring step includes

transferring the encrypted copy to a storage device connected to a set-top box capable

of decrypting encrypted media items and rendering them on a television device at the

first client ([0033], [0038]).

55.   As to claim 15, Buxton discloses wherein the first client includes a network that

allows a set-top box at the first client to share broadband connectivity ([0043]).

56.   As to claim 16, Buxton discloses further comprising: transferring an encrypted

copy of the desired media item from a media server, if a copy of the requested media

item is not available from other clients ([0024], lines 4-8).

57.   As to claim 17, Buxton discloses further comprising: allowing the first client to use

the requested media item for a limited period of time, after receipt of the payment

authorization ([0032], lines 1-3).

58.   As to claim 18, Buxton discloses further comprising: receiving at the server a

request from a third client for the particular media item; and transferring the encrypted

copy of the desired media item from the first client to the third client ([0043], [0033], FIG.

1).

59.   As to claim 19, Buxton discloses wherein the transferring step includes:

scheduling transfer of the encrypted copy of the desired media item to occur at a

particular time ([0031], lines 15-19).

60.   As to claim 20, Buxton discloses wherein the server includes a customer

management subsystem for tracking and managing customers ([0032]).

61.   As to claim 21, Buxton discloses wherein the server is in communication with at

least one repository of digital media, so that the server may direct transfer of the

requested media item from said at least one repository as needed ([0024]).

62.   As to claim 22, Buxton discloses wherein said at least one repository comprises

a plurality of servers, with each server storing a subset of the available digital media,

such that a subset of the plurality of servers has at least one copy of each media item ([0024]).

63.   As to claim 25, Buxton discloses wherein the transferring step includes: scheduling transfer of multiple media items to the first client from multiple other clients (Buxton teaches this concept because the distributed database movie server selectively pushed certain movies in a time period whereas lesser viewed movies genres may remain stored on the back-up media server, e.g. see, [0031]).

64.   As to claim 26, Buxton discloses wherein the transferring step includes: scheduling transfer of portions of a media item to the first client from multiple other clients ([0031], [0043]).

65.   As to claim 27, Buxton discloses a computer-readable medium having processor-executable instructions for performing the method of claim 1 (claim 51).

66.   As to claim 28, Buxton discloses a downloadable set of processor-executable instructions for performing the method of claim 1 ([0019], [0027]).

67.   As to claim 52, Buxton doesn't explicitly discloses wherein the client rendering device includes an interface for indicating that a given desired media item has completed transfer and is available for use. However, Harris discloses wherein the client

rendering device includes an interface for indicating that a given desired media item has completed transfer and is available for use ([0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Harris in order to provide a feature so that the user can monitor the progress of a video image or any media file. Furthermore, one would be motivated to provide such a feature so the users will not try to view a content until it's delivered.

68.   As to claim 53, Buxton doesn't explicitly disclose wherein the interface indicates transfer progress for any items that are currently being transferred. However, Harris discloses wherein the interface indicates transfer progress for any items that are currently being transferred ([0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Harris in order to provide a feature so that the user can monitor the progress of a video image or any media file. Furthermore, one would be motivated to provide such a feature so the users will not try to view contents until it's delivered.

69.   Claims 32-33, 49-51, 56-57, 59-85 and 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton and further in view of Kleinpeter III et al. (Patent No.: US 6,907,463 B1) (hereinafter "Kleinpeter").

70.   As to claim 32, Buxton discloses for receiving user input from the first client for

selecting one of the media items available from the catalog ([0021], lines 1-7, [0022]).

However, Buxton doesn't explicitly disclose a Web server for displaying a catalog of

media items available. However, Kleinpeter discloses a Web server for displaying a

catalog of media items available (col. 4, lines 13-17, col. 3, lines 40-41).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton as taught by

Kleinpeter in order to provide movie data through the internet in relatively cheaper price

to the end users. Furthermore, one would be motivated to do so in order to attract the

global or extended community of users.

71.   As to claim 33, Buxton doesn't explicitly disclose wherein the catalog comprises

an online catalog accessible via a Web browser. However, Kleinpeter discloses wherein

the catalog comprises an online catalog accessible via a Web browser (col. 4, lines 13-

17, col. 3, lines 40-41).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton as taught by

Kleinpeter in order to provide movie data through the internet in relatively cheaper price

to the end users. Furthermore, one would be motivated to do so in order to attract the

global or extended community of users.

72.   As to claim 49, Buxton doesn't explicitly disclose wherein the server receives a prioritized list establishing the first client's priority for receiving desired media items. However, Kleinpeter discloses wherein the server receives a prioritized list establishing the first client's priority for receiving desired media items (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Kleinpeter in order to utilize the network bandwidth in a efficient way without wasting end user's viewable time period.

73.   As to claim 50, although Buxton discloses wherein the server arranges for transfer of multiple media items to the first client from multiple other clients ([0043]), Buxton doesn't explicitly disclose transfer is pursuant to the prioritized list. However, Kleinpeter discloses transfer is pursuant to the prioritized list (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Kleinpeter in order to utilize the network bandwidth in a efficient way without wasting end user's viewable time period.

74.   As to claim 51, Buxton doesn't explicitly disclose wherein higher priority items on the prioritized list are transferred before any lower priority items. However, Kleinpeter discloses wherein higher priority items on the prioritized list are transferred before any lower priority items (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention was made to

modify the teaching of Buxton as taught by Kleinpeter in order to utilize the network

bandwidth in a efficient way without wasting end user's viewable time period.

75.   As to claim 56, Buxton discloses a method for secure delivery of media content

via the Internet, the method comprising: providing at a server a catalog of media items

available in encrypted format from a plurality of devices having broadband connectivity

to the Internet (FIG. 1, [0010], lines 6-10, [0012], lines 13-16, [0016]); transferring an

encrypted copy of the particular media item from said at least one second device to the

first device ([0022], lines 7-11, [0043], [0014], [0033]); and in response to a request to

purchase the particular media item transferred to the first device ([0032]), granting from

a media pass server a media pass to the first device and receiving submission of the

media pass from the first device ("When a user-subscriber (i.e. client) has been

determined as having authorization (i.e. media pass) for viewing a requested movie (i.e.

desired media item) as determined by the transaction processing server (i.e. media

pass server)" –e.g. see, [0033], lines 5-13); providing a decryption key to the first device

based on the media pass submitted by the first device, enabling the encrypted copy of

the particular media item to be played at the first device (Buxton teaches this concept

because the user can manually or via automatic process can utilize the key code and

enable the requesting user's local processing unit to decrypt encrypted data, e.g. see,

[0033], lines 13-21).

Buxton doesn't explicitly disclose receiving a priority list from a first device representing a prioritized list of media items requested by the first device from the catalog; scheduling delivery to the first device of a particular media item on the priority list from at least one second device having an encrypted copy of the particular media item; However, Kleinpeter discloses receiving a priority list from a first device representing a prioritized list of media items requested by the first device from the catalog (col. 4, lines 13-17, col. 3, lines 40-41); scheduling delivery to the first device of a particular media item on the priority list from at least one second device having an encrypted copy of the particular media item (col. 4, lines 13-17, col. 3, lines 40-41);

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Kleinpeter in order to provide movie data through the internet in relatively cheaper price to the end users. Furthermore, one would be motivated to do so in order to attract the global or extended community of users.

76.   As to claim 57, Buxton discloses wherein said media items include various file types ([0002]).

77.   As to claim 59, Buxton discloses wherein said plurality of devices having broadband connectivity includes a plurality of client devices having peer-to-peer connectivity to one another ([0016], [0043], FIG. 1).

78.   As to claim 60, Buxton discloses wherein said plurality of devices having
broadband connectivity includes at least one server having encrypted copies of media
items for supply to client devices ([0021], [0022], lines 1-11, [0043], see also [0024]).

  As to claim 61, Buxton discloses further comprising: pre-loading encrypted copies of
  media items at said plurality of devices having broadband connectivity ([0031]).

79.   As to claim 62, Buxton discloses wherein said plurality of devices having
broadband connectivity includes a client set-top box having broadband connectivity
through a network ([0019], [0012], lines 13-16, [0016]).

80.   As to claim 63, Buxton discloses wherein said catalog is displayed on a television
connected to the client set-top box ([0019], [0012], lines 13-16, [0016]).

81.   As to claim 64, Buxton discloses wherein said catalog is downloaded from the
server and stored locally on a database at the client set-top box ([0034], [0041], see
also ([0021], lines 1-7, [0022]).

82.   As to claim 65, Buxton doesn't explicitly disclose wherein said catalog is a
catalog available on the Internet and accessible via a Web browser. However,
Kleinpeter discloses wherein said catalog is a catalog available on the Internet and
accessible via a Web browser (col. 4, lines 13-17, col. 3, lines 40-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Buxton as taught by Kleinpeter in order to provide movie data through the internet in relatively cheaper price to the end users. Furthermore, one would be motivated to do so in order to attract the global or extended community of users.

83.   As to claim 66, Buxton discloses wherein the first device comprises a client set-top box having a hard disk for storing encrypted media items ([0038]).

84.   As to claim 67, Buxton discloses wherein said set-top box includes a user interface for issuing a request to play an encrypted media item available on the set-top box's hard disk ([0027]).

85.   As to claim 68, Buxton doesn't explicitly disclose wherein said step of scheduling delivery includes comparing the priority list received from the first device with media items available on the first device, so as to determine the particular media item to be delivered to the first device. However, Kleinpeter discloses wherein said step of scheduling delivery includes comparing the priority list received from the first device with media items available on the first device, so as to determine the particular media item to be delivered to the first device (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify the teaching of Buxton as taught by Kleinpeter in order to utilize the
network bandwidth in a efficient way without wasting end user's viewable time period.

86.   As to claim 69, Buxton discloses further comprising: maintaining a database
listing copies of encrypted media items available on each of said plurality of devices
([0043]).

87.   As to claim 70, Buxton discloses wherein said step of scheduling delivery
includes determining at least one second device having a copy of said particular media
item based upon consulting the database ([0043], [0024]).

88.   As to claim 71, Buxton discloses wherein said step of scheduling delivery
includes determining that the first device is authorized to receive delivery of the
particular media item ([0032]-[0033]).

89.   As to claim 72, Buxton discloses wherein said step of scheduling delivery
includes scheduling delivery of portions of the particular media item from a plurality of
second devices ([0031], lines 15-19, FIG. 3).

90.   As to claim 73, Buxton discloses wherein said step of scheduling delivery
includes determining a particular portion of the particular media item to be sent by each
of said plurality of second devices ([0031], lines 15-19, [0043], FIG. 3).

91.   As to claim 74, Buxton discloses wherein said step of scheduling delivery

includes determining whether to deliver the particular media item from a server

repository or from a peer client having a copy of the particular media item ([0024],

[0031]).

92.   As to claim 75, Buxton discloses wherein said step of scheduling delivery

includes scheduling delivery from a client set-top box having a copy of the particular

media item, so as to conserve server resources ([0043], [0022]).

93.   As to claim 76, Buxton discloses wherein said step of scheduling delivery

includes scheduling a time for delivery of the particular media item to the first device

(Buxton teaches this concept because the distributed database movie server selectively

pushed certain movies in a time period whereas lesser viewed movies genres may

remain stored on the back-up media server, e.g. see, [0031]).

94.   As to claim 77, Buxton discloses further comprising: receiving a priority list from a

third device requesting said particular media item; and transferring the encrypted copy

of the particular media item from the first device to the third device ([0043], [0033], FIG.

1).

95.   As to claim 78, Buxton discloses transferring a portion of the encrypted copy of

the particular media item from the first device and a portion of the encrypted copy of the

particular media item from said at least one second device to the third device ([0043],

FIG. 3). Buxton doesn't explicitly disclose receiving a priority list from a third device

requesting said particular media item. However, Kleinpeter discloses receiving a priority

list from a third device requesting said particular media item (col. 1, lines 58-60, col. 6,

lines 57-60). Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify the teaching of Buxton as taught by

Kleinpeter in order to utilize the network bandwidth in a efficient way without wasting

end user's viewable time period.

96.   As to claim 79, Buxton discloses wherein said step of scheduling delivery

includes scheduling delivery based upon optimizing delivery of media items to a plurality

of devices requesting media items ([0031]).

97.   As to claim 80, Buxton discloses wherein said step of transferring an encrypted

copy of the particular media item includes transferring portions of the particular media

item from a plurality of second devices (FIG. 3, [0043], [0038]).

98.   As to claim 81, Buxton discloses wherein said step of providing a decryption key

includes providing a decryption key valid for a limited period of time ([0032]-[0033]).

99.   As to claim 82, Buxton discloses wherein said step of providing a decryption key

includes: specifying a viewing period comprising a limited period of time during which

the first device may decrypt and playback a media item; and providing a decryption key

to the first device only during the specified viewing period ([0032]-[0033]).

100.   As to claim 83, Buxton discloses wherein said first device comprises a client set-

top box capable of decrypting encrypted media items and rendering them on a

connected television device ([0019], [0012], lines 13-16, [0017]).

101.   As to claim 84, Buxton discloses a computer-readable medium having processor-

executable instructions for performing the method of claim 56 ([0019], [0012], lines 13-

16, [0017]).

102.   As to claim 85, Buxton discloses a downloadable set of processor-executable

instructions for performing the method of claim 56 ([0019], [0012], lines 13-16, [0017]).

103.   As to claim 104, Buxton doesn't explicitly disclose wherein the server receives a

prioritized list establishing the first client's priority for receiving desired media items.

However, Kleinpeter discloses wherein the server receives a prioritized list establishing

the first client's priority for receiving desired media items (col. 1, lines 58-60, col. 6, lines

57-60). Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton as taught by Kleinpeter

in order to utilize the network bandwidth in a efficient way without wasting end user's

viewable time period.

104.   As to claim 105, although Buxton discloses wherein the server arranges for

transfer of multiple media items to the first client from multiple other clients ([0043]),

Buxton doesn't explicitly disclose transfer is pursuant to the prioritized list. However,

Kleinpeter discloses transfer is pursuant to the prioritized list (col. 1, lines 58-60, col. 6,

lines 57-60). Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention was made to modify the teaching of Buxton as taught by

Kleinpeter in order to utilize the network bandwidth in a efficient way without wasting

end user's viewable time period.

105.   As to claim 106, Buxton doesn't explicitly disclose wherein higher priority items

on the prioritized list are transferred before any lower priority items. However, Kleinpeter

discloses wherein higher priority items on the prioritized list are transferred before any

lower priority items (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention was made to

modify the teaching of Buxton as taught by Kleinpeter in order to utilize the network

bandwidth in a efficient way without wasting end user's viewable time period.

106.   Claims 31 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Buxton and further in view of Schleicher et al. (Pub. No.: US 2002/0138576 A1)

(hereinafter "Schleicher").

107.   As to claim 31, although Buxton discloses a video-on demand peer- to-peer

sharing of movies ([0010]), Buxton doesn't explicitly disclose wherein said media

includes selected ones of audio and video files. However, Schleicher discloses wherein

said media includes selected ones of audio and video files ([0022]).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton as taught by

Schleicher in order to reduce transfer costs and offer security enforcing copyrights on a

public network.

108.   As to claim 88, although Buxton discloses a video-on demand peer- to-peer

sharing of movies ([0010]), Buxton doesn't explicitly disclose wherein said media

includes selected ones of audio and video files. However, Schleicher discloses wherein

said media includes selected ones of audio and video files ([0022]).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton as taught by

Schleicher in order to reduce transfer costs and offer security enforcing copyrights on a

public network.

109.   Claims 6 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Buxton and further in view of Harris and Kleinpeter.

110.   As to claim 6, neither Buxton nor Harris explicitly discloses wherein the catalog

comprises an online catalog accessible via a Web browser. However, Kleinpeter

discloses wherein the catalog comprises an online catalog accessible via a Web

browser (col. 4, lines 13-17, col. 3, lines 40-41).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton and Harris as taught

by Kleinpeter in order to provide movie data through the internet in relatively cheaper

price to the end users. Furthermore, one would be motivated to do so in order to attract

the global or extended community of users.

111.   As to claim 23, neither Buxton nor Harris explicitly discloses wherein the

receiving step includes: receiving at a server a list establishing the first client's priorities

for receiving desired media items. However, Kleinpeter discloses wherein the receiving

step includes: receiving at a server a list establishing the first client's priorities for

receiving desired media items (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention

was made to modify the teaching of Buxton and Harris as taught by Kleinpeter in order

to utilize the network bandwidth in a efficient way without wasting end user's viewable

time period.

112.   As to claim 24, neither Buxton nor Harris explicitly discloses wherein higher

priority items on the list are transferred before any lower priority items. However,

Kleinpeter discloses wherein higher priority items on the list are transferred before any

lower priority items (col. 1, lines 58-60, col. 6, lines 57-60). Therefore, it would have

been obvious to one of ordinary skill in the art at the time of the invention was made to

modify the teaching of Buxton and Harris as taught by Kleinpeter in order to utilize the

network bandwidth in a efficient way without wasting end user's viewable time period.

113.   Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Buxton

and further in view of Kleinpeter and Schleicher.

114.   As to claim 58, although Buxton discloses a video-on demand peer- to-peer

sharing of movies ([0010]), neither Buxton nor Kleinpeter explicitly discloses wherein

said media includes selected ones of audio and video files. However, Schleicher

discloses wherein said media includes selected ones of audio and video files ([0022]).

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify the teaching of Buxton and Kleinpeter as

taught by Schleicher in order to reduce transfer costs and offer security enforcing

copyrights on a public network.

115.   **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

116.   Applicant's arguments filed June 30, 2008 have been fully considered but they are not persuasive.

Applicant argues that: "Buxton does not teach each and every element of the independent claims 29 and 86." Applicant's main concern is about the limitation: "a media pass server for granting a media pass to the first client allowing access to the desired media item, and for providing a decryption key to the first client based on the media pass submitted by the first client;"

Examiner maintains that: Buxton discloses a media pass server for granting a media pass to the first client allowing access to the desired media item ("When a user-subscriber (i.e. client) has been determined as having authorization (i.e. media pass) for viewing a requested movie (i.e. desired media item) as determined by the transaction

processing server (i.e. media pass server)" –e.g. see, [0033], lines 5-13), and for

providing a decryption key to the first client based on the media pass submitted by the

first client (Buxton teaches this concept because the user can manually or via automatic

process can utilize the key code and enable the requesting user's local processing unit

to decrypt encrypted data, e.g. see, [0033], lines 13-21).

Regarding claim 46, Applicant argues that: "Buxton does not disclose its

distributes database server arranges for the transfer by scheduling the transfer of the

encrypted copy (of the desired media item) to occur at a particular time".

Examiner maintains that: Buxton discloses wherein the server arranges for the

transfer by scheduling the transfer of the encrypted copy to occur at a particular time

(Buxton teaches this concept because the distributed database movie server selectively

pushed certain movies in a time period whereas lesser viewed movies genres may

remain stored on the back-up media server. Thus, Server is prioritizing to delivered the

frequently viewed movies before delivering the lesser viewed movie. Based on the

priority server first send the frequently viewed movies before the scheduled run time of

the movies which would be a particular time period, e.g. see, [0031]).

Applicant argues that: "Harris does not disclose providing a decryption key based

on a media pass, as substantially recited in claim 1."

Examiner asserts that: Buxton discloses providing a decryption key to the first

client based on the media pass submitted by the first client (Buxton teaches this

concept because the user can manually or via automatic process can utilize the key

code and enable the requesting user's local processing unit to decrypt encrypted data,

e.g. see, [0033], lines 13-21).

Regarding claim 1, Applicant argues that: "Buxton does not disclose that its

transaction processing server transmits a key code to the local processing unit based

on a media pass submitted by the local processing unit."

Examiner maintains that: Buxton discloses a media pass server for granting a

media pass to the first client allowing access to the desired media item ("When a user-

subscriber (i.e. client) has been determined as having authorization (i.e. media pass) for

viewing a requested movie (i.e. desired media item) as determined by the transaction

processing server (i.e. media pass server)" –e.g. see, [0033], lines 5-13), and for

providing a decryption key to the first client based on the media pass submitted by the

first client (Buxton teaches this concept because the user can manually or via automatic

process can utilize the key code and enable the requesting user's local processing unit

to decrypt encrypted data, e.g. see, [0033], lines 13-21).

Regarding claim 25, Applicant argues that: "Buxton does not disclose its

distributes database server arranges for the transfer by scheduling the transfer of the

encrypted copy (of the desired media item) to occur at a particular time".

Examiner maintains that: Buxton discloses wherein the server arranges for the

transfer by scheduling the transfer of the encrypted copy to occur at a particular time

(Buxton teaches this concept because the distributed database movie server selectively pushed certain movies in a time period whereas lesser viewed movies genres may remain stored on the back-up media server. Thus, Server is prioritizing to delivered the frequently viewed movies before delivering the lesser viewed movie. Based on the priority server first send the frequently viewed movies before the scheduled run time of the movies which would be a particular time period, e.g. see, [0031]).

Regarding claim 56, Applicant argues that: "Buxton in view of Kleinpeter does not disclose proving a decryption key to the first client based on a media pass."

Examiner maintains that: Buxton discloses a media pass server for granting a media pass to the first client allowing access to the desired media item ("When a user-subscriber (i.e. client) has been determined as having authorization (i.e. media pass) for viewing a requested movie (i.e. desired media item) as determined by the transaction processing server (i.e. media pass server)" –e.g. see, [0033], lines 5-13), and for providing a decryption key to the first client based on the media pass submitted by the first client (Buxton teaches this concept because the user can manually or via automatic process can utilize the key code and enable the requesting user's local processing unit to decrypt encrypted data, e.g. see, [0033], lines 13-21).

Regarding claim 76, Applicant argues that: "Buxton does not disclose its distributes database server arranges for the transfer by scheduling the transfer of the encrypted copy (of the desired media item) to occur at a particular time".

Examiner maintains that: Buxton discloses wherein the server arranges for the transfer by scheduling the transfer of the encrypted copy to occur at a particular time (Buxton teaches this concept because the distributed database movie server selectively pushed certain movies in a time period whereas lesser viewed movies genres may remain stored on the back-up media server. Thus, Server is prioritizing to delivered the frequently viewed movies before delivering the lesser viewed movie. Based on the priority server first send the frequently viewed movies before the scheduled run time of the movies which would be a particular time period, e.g. see, [0031]).

Conclusion

117.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

118.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SUMAN DEBNATH whose telephone number is

(571)270-1256. The examiner can normally be reached on 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y. Vu can be reached on 571 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. D./
Examiner, Art Unit 2135
/KimYen Vu/
Supervisory Patent Examiner, Art Unit 2135